

REMARKS

Claims 1, 3 to 12, and 14 are pending in this application. It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

The Final Office Action objects to the claim for priority under 35 U.S.C. § 119(a)-(d) indicating that the priority document indicates an inventor different from the inventor of the application. It appears that the Examiner is relying on an incorrect machine translation of the priority document. In fact, as attested to by the Applicant in the enclosed Rule 1.132 declaration, the priority document and the present application were both filed under the name Takayoshi Togino as the sole inventor. Therefore, Applicant respectfully requests that the objection to Applicant's claim for priority be withdrawn.

The Final Office Action objects to the oath or declaration as defective because, for the reasons described above, it is allegedly unclear who the actual inventor is. Applicant respectfully submits that it is clear from both the priority document and the present application, as attested to in the enclosed Rule 1.132 declaration, that Applicant is the sole inventor of the claimed invention in the present application.

The Final Office Action further objects to the declaration because it allegedly does not identify the present application by application number and filing date. Applicant respectfully submits that the declaration, which was filed on the same day as the present application, need not identify the present application by application number and filing date. Consistent with Rule 1.63, any of the following combinations in a declaration adequately identify the application: (a) the inventor(s) name and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing; (b) name of the inventor(s), and attorney docket number which was on the specification as filed; or (c) name of the inventor(s), and title of the invention which was on the specification as filed. Both the declaration and the application as filed include the title of the present invention. Further, the declaration identifies the inventor on page 3 and indicates on page 1 that the declaration is being submitted with the specification (indicated as being attached to the oath or declaration). Therefore, the oath or declaration adequately identifies the present application and Applicant is not required to submit a new oath or declaration identifying the application by

application number and filing date, as requested by the Final Office Action. Therefore, withdrawal of the objection to the oath or declaration is respectfully requested.

The Final Office Action objects to the Abstract as being too lengthy. Applicant respectfully submits that the Abstract, as amended, is below 150 words. Withdrawal of this objection is therefore respectfully requested.

The Final Office Action objected to claims 3 and 8 as depending from canceled claims. Applicant respectfully submits that claims 3 and 8, as amended, depend from claim 1, and therefore, overcome the present objection.

The Final Office Action rejected claims 1 to 14 under 35 U.S.C. § 102(f) on the grounds that the Applicant allegedly did not invent the claimed subject matter. As detailed above and attested to in the enclosed Rule 1.132 declaration, Applicant is in fact the inventor of the claimed subject matter. Consistently, Applicant is listed as the inventor on both the present application and the priority Japanese Application No. 2003-091340, which published as JP2004301876. Any document the Examiner is relying which states otherwise is likely the result of a translation error.

In view of the above, Applicant believes that all claims remaining in this application are in condition for allowance, prompt notice of which is respectfully solicited.


CONCLUSION

Applicant respectfully submits that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

KENYON & KENYON

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By: 
Abraham P. Ronai
Reg. No. 41,275
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO. 26646